

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

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MANUEL REZENDEZ) CIVIL ACTION NO. 04-10072-JLT COURT
Plaintiff) DISTRICT OF MASS.
vs.)
F/V LEGACY and)
PYRITE INTERNATIONAL, INC. and)
WHALING CITY SEAFOOD DISPLAY)
AUCTION)
Defendants)

JOINT SCHEDULING STATEMENT

The parties in the above captioned action submit the following Joint Statement in accordance with the Notice of Scheduling Conference and pursuant to the provisions of Fed. R. Civ. 16(b) and Local Rule 16.1.

I. Obligation of Counsel to Confer

Counsel for the parties have conferred in accordance with the provisions of Local Rule 16.1 (B). Discovery is proceeding in accordance with Local Rule 26 and a proposed joint discovery plan is contained below.

II. Settlement Proposals

The plaintiff is preparing a settlement demand to the defendants in compliance with Local Rule 16.1.

III. Proposed Discovery Plan

The above-entitled action was filed with this Court on or about January 13, 2004. Pursuant to Rule 16(b) of the Fed. R. Civ. P. and Local Rule 16.1 (F) the parties propose the following:

1. All amendments and/or supplements to the pleadings to be filed by June 30, 2003 reserving the right to amend and/or supplement if new evidence is introduced as result of discovery.
2. All factual depositions are to be completed by October 30, 2004.
3. The plaintiff shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(b) by November 15, 2004. The defendant shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) by November 30, 2004.
4. All expert depositions to be completed by December 30, 2004.
5. All dispositive motions, and/or motions for summary judgment, are to be filed by January 1, 2005.
6. A final pretrial conference will be held on or about January 15, 2005 unless dispositive motions remain pending at that time.

IV. Trial by Magistrate Judge

The parties reserve decision as to trial by magistrate judge until after discovery.

V. Certifications

The parties certify that counsel and their clients have conferred with a view to establish a budget for litigation and alternative dispute resolution. The certifications will be filed under separate cover.

Respectfully submitted,
for the Plaintiff

David B. Kaplan

DAVID B. KAPLAN, BBO# 258540
Kaplan/ Bond Group
Boston Fish Pier, West Bldg. Suite 304
Boston, MA 02108
(617) 261-0080

Respectfully submitted,
for the Defendants, PYRITE
INTERNATIONAL and F/V LEGACY

/s/ Joseph Regan

Joseph Regan BBO #
Syd Salomon BBO#
Regan & Kiely LLP
85 Devonshire Street
Boston, MA 02109

Respectfully submitted,
for the Defendant, Whaling City Seafood
Display Auction, Inc.

/s/ Bertram Snyder

Bertram Snyder BBO #
Looney & Grossman LLP
101 Arch Street
Boston, MA 02110